

1 NICOLA T. HANNA
United States Attorney
2 LAWRENCE S. MIDDLETON
Assistant United States Attorney
3 Chief, Criminal Division
SHAWN J. NELSON (Cal. Bar No. 185149)
4 Assistant United States Attorney
Acting Deputy Chief, Organized Crime
5 Drug Enforcement Task Force Section
MAX B. SHINER (Cal. Bar No. 187125)
6 Assistant United States Attorney
Violent & Organized Crime Section
7 1400/1300 United States Courthouse
312 North Spring Street
8 Los Angeles, California 90012
Telephone: 213-894-5339/3308
9 Facsimile: 213-894-0142
E-mail: shawn.nelson@usdoj.gov
10 max.shiner@usdoj.gov

11 Attorneys for Applicant
12 UNITED STATES OF AMERICA

13 UNITED STATES DISTRICT COURT

14 FOR THE CENTRAL DISTRICT OF CALIFORNIA

15 IN THE MATTER OF THE SEARCH OF:
16 A BLACK ZTE CELLULAR PHONE,
CURRENTLY IN THE CUSTODY OF THE
17 LA VERNE POLICE DEPARTMENT,
SEIZED ON MAY 24, 2018 FROM
18 KELLY DESHANNON

No. 2:18-MJ-02369

GOVERNMENT'S *EX PARTE* APPLICATION
FOR FIRST EXTENSION OF TIME WITHIN
WHICH TO RETAIN AND SEARCH DIGITAL
DEVICES; DECLARATION OF MAX B.
SHINER

(UNDER SEAL)

21 The United States of America, by and through its counsel of
22 record, Assistant United States Attorney Max B. Shiner, hereby
23 applies for an order extending by 180 days the time within which the
24 government may retain and search digital devices seized pursuant to a
25 federal search warrant.

26 ///

27 ///

28 ///

DECLARATION OF MAX B. SHINER

I, Max B. Shiner, hereby declare and state:

1. I am an Assistant United States Attorney assigned to this investigation for United States Attorney's Office for the Central District of California.

2. This declaration is made in support of a request for an order permitting the government to retain and search, pursuant to the terms of the original warrant in this matter, for an additional 180 days, the following digital device seized pursuant to the warrant described below (the "SUBJECT DIGITAL DEVICE"):

a. A black ZTE cellular phone, seized from KELLY DESHANNON on May 24, 2018.

3. On September 5, 2018, Special Agent Minh D. Tran of the Federal Bureau of Investigation ("FBI") obtained a federal search warrant issued by the Honorable Paul L. Abrams, United States Magistrate Judge ("the warrant"), authorizing the search of the digital device, that is, the SUBJECT DIGITAL DEVICE listed above in paragraph 2 and further described in Attachment A of the warrant, that had been seized from the possession of KELLY DESHANNON at the time of her arrest on May 24, 2018.

4. The warrant, which is incorporated herein by reference, authorized the search of the SUBJECT DIGITAL DEVICE and provided for its retention by law enforcement for a period of 120 days to allow the government to search such devices for evidence of violations of 21 U.S.C. § 846 (conspiracy to distribute controlled substances) and 18 U.S.C. § 1962(d) (racketeering conspiracy).

1 5. This is the first request for an extension. The current
2 deadline by which the government must complete its review of the
3 SUBJECT DIGITAL DEVICE is January 3, 2019.

4 6. Based on information provided to me by agents with respect
5 to the SUBJECT DIGITAL DEVICE, the FBI brought this device to the
6 Orange County Regional Computer Forensics Laboratory ("OCRCFL") on or
7 about September 7, 2018, in order to unlock or decrypt this passcode-
8 protected device. The agents were unable to unlock the device.
9 After unsuccessfully attempting to unlock the device, the agents then
10 spoke to technically trained personnel assigned to the OCRCFL. These
11 technically trained personnel stated that they would not able to
12 unlock or decrypt the device based on the make and model of the
13 cellular phone. The technically trained personnel stated that a
14 request could be submitted to the Operational Technology Division
15 ("OTD") for other possible means to unlock the device.

16 7. On or about September 10, 2018, the FBI then contacted the
17 OTD, a laboratory located in Quantico, Virginia. OTD advised that
18 they did not currently have a method or tool that would be able to
19 unlock or decrypt the device.

20 8. On or about September 27, 2018, the FBI provided the
21 SUBJECT DIGITAL DEVICE to a third party with expertise in unlocking
22 and decryption of electronic devices. To date, the third party
23 expert has not unlocked the SUBJECT DIGITAL DEVICE, but believes
24 that they possess the ability to unlock the phone.

25 9. For the following reasons, the government is requesting an
26 additional 180 days to complete its review of the SUBJECT DIGITAL
27 DEVICE:

